

Memo

June 1, 2005

TO: Planning Commission
FROM: Elizabeth La Fleur, Director, Lower Keys Planning Team
RE: Extension of Interim Moratorium Ordinance 018-2004

PLANNING COMMISSION MEETING DATE: June 8, 2005

Summary

This proposed ordinance (Attachment A) **extends** the existing interim moratorium which defers ROGO and NROGO allocations in areas of two acres or greater containing tropical hardwood hammock or pinelands within any conservation and natural area (CNA) as established by Ordinance 018-2004 until land development regulations and comprehensive plan amendments implementing the work program mandated by Rule 28-20.100 F.A.C. are drafted and adopted by the County Commission and also provides for **expiration within six months** of the date of adoption ordinance by the Board of County Commissioners (BOCC), whichever first occurs.

Background

On June 16, 2004, the BOCC adopted Ordinance No. 018-2004 deferring ROGO and NROGO allocations in areas of two acres or greater containing tropical hardwood hammock or pinelands within any conservation and natural area (CNA) until land development regulations and comprehensive plan amendments implementing the "Work Program" as set forth in Goal 105, "Smart Growth," as adopted by the BOCC in the 2010 Comprehensive Plan could be drafted and adopted. Ordinance No. 018-2004 is set to expire on June 16, 2005, however Section 4 of the ordinance provides that, upon recommendation from the Planning Commission, the ordinance may be extended by the BOCC for a maximum extension period of six months from the 365th day after the date of adoption, which is June 16, 2005. If the interim moratorium ordinance 018-2004 is not extended, the interim moratorium will expire prior to effectuating the provisions of Goal 105 and Rule 28-20.100 F.A.C.

Staff Recommendation

Staff recommends that the Planning Commission recommend approval to the Monroe County Board of County Commissioners of the attached Interim Development Ordinance, to **extend** the interim moratorium deferring ROGO and NROGO allocations in areas of two acres or greater containing tropical hardwood hammock or pinelands within any conservation and natural area (CNA) as established by Ordinance 018-2004 until land development regulations and comprehensive plan amendments implementing the work program mandated by Rule 28-20.100 F.A.C. are drafted and adopted by the County Commission and providing for expiration within six months of the date of adoption of this ordinance by the Board of County Commissioners, whichever first occurs.

ORDINANCE NO. -2005

AN ORDINANCE TO EXTEND AN INTERIM MORATORIUM DEFERRING ROGO AND NROGO ALLOCATIONS IN AREAS OF TWO ACRES OR GREATER CONTAINING TROPICAL HARDWOOD HAMMOCK OR PINELANDS WITHIN ANY CONSERVATION AND NATURAL AREA AS ESTABLISHED BY ORDINANCE 018-2004 UNTIL LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN AMENDMENTS IMPLEMENTING THE WORK PROGRAM MANDATED BY RULE 28-20.100 F.A.C. ARE DRAFTED AND ADOPTED BY THE COUNTY COMMISSION, AND PROVIDING FOR EXPIRATION WITHIN SIX MONTHS OF THE DATE OF ADOPTION OF THIS ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS, WHICHEVER FIRST OCCURS.

WHEREAS, on June 16, 2004 the Board of County Commissioners adopted Ordinance No. 018-2004 deferring ROGO and NROGO allocations in areas of two acres or greater containing tropical hardwood hammock or pinelands within any conservation and natural area until land development regulations and comprehensive plan amendments implementing the "Work Program" as set forth in Goal 105, "Smart Growth," as adopted by the Board of County Commissioners in the 2010 Comprehensive Plan; and

WHEREAS, Section 19 of Ordinance No. 018-2004 provides that the ordinance shall stand repealed as of 11:59 p.m. on the 365th day after the adoption of Ordinance No. 018-2004, unless repealed sooner or extended pursuant to direction of the Board of County Commission, to provide sufficient time to complete associated text and map amendments and other supporting studies to effectuate the provisions of Goal 105 and Rule 28-20.100; and

WHEREAS, Section 4 of Ordinance No. 018-2004 provides that the ordinance may be extended for a maximum extension period of six months from the 365th day after the date of adoption; and

WHEREAS, the 365th day after the adoption of Ordinance No. 018-2004 is June 16, 2005; and

WHEREAS, if the interim moratorium is not extended, the interim moratorium will expire prior to effectuating the provisions of Goal 105 and Rule 28-20.100 F.A.C.

WHEREAS, staff, in cooperation with the Planning Commission in accordance with F.S. 163.3174 has diligently pursued the tasks, including map and text amendments associated with the creation of the "Tier System" as set forth in Exhibit One of Resolution 39-2004, "Cooperative Agreement between DCA and Monroe County to Address Significant Work Program Issues;" and

WHEREAS, the public hearing process associated with the introduction of voluminous materials included in the Tier System package, including extensive text and map amendments, has required four separate public hearings by the Planning Commission and, up to as of June 14, 2005, seven public hearings by the Board of County Commissioners; and

WHEREAS, it will be at least several months before these amendments to the land development regulations and comprehensive plan will be adopted, extending past the time for expiration of the interim moratorium on ROGO/NROGO allocation awards in areas containing tropical hardwood hammock or pinelands two acres or greater in size within conservation and natural areas; and

WHEREAS, given the scope of the issues and areas to be addressed by Goal 105 of the 2010 Comprehensive Plan, the six month extension is necessary and reasonable in order to complete a fair and

comprehensive planning and public participation process that results in legally and scientifically based policies and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The provisions set forth in Ordinance No. 018-2004 deferring ROGO and NROGO allocations in areas of two acres or greater containing tropical hardwood hammock or pinelands within any conservation and natural area until land development regulations and comprehensive plan amendments effectuating the provisions of Goal 105 and implementing the work program mandated by Rule 28-20.100, F.A.C. are adopted, shall remain in full force and in effect for an additional six month period of time.

Section 2. If any sentence, clause, item, change or provision of this section, subsection, or ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida.

Section 5. This Ordinance shall stand repealed as of 11:59 p.m. on the last day of the six month period following the date of adoption of this Ordinance by the Board of County Commissioners, unless repealed sooner upon the adoption by the Board of County Commissioners and approval by the Florida Department of Community Affairs of land development regulations and comprehensive plan amendments implementing the work program mandated by Rule 28-20.100 F.A.C.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 15th day of June, 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner Murray Nelson	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

BY _____

Mayor Dixie Spehar

(SEAL)

ATTEST:

DANNY L. KOLHAGE, CLERK

By: _____

Deputy Clerk

